

MHN

1 of 7

Bruce Giles  
Plaintiff  
VS.

RECEIVED  
MAY 28 2010  
5-28-2010  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

CITY of Chicago, Chicago Police  
Department, Municipal of the City  
of Chicago, Frisbie, Wayne in his  
individual and official Capacity,  
Postelnick, Dan in his individual  
and official Capacity, Pike, Lawrence  
in his individual and official Capacity,  
Keleny, Robert in his individual and  
official Capacity, Mansor, Michael in  
his individual and official Capacity,  
O'Connor, Daniel in his individual and  
official Capacity, Johnson, Edward  
in his individual and official Capacity.....

)  
)  
) THIRD,  
) AMENDED  
) COMPLAINT.  
) 09cv3242  
) CASE NUMBER:  
) 09CV3242  
)  
) HONORABLE  
) JUDGE: BUCKLO  
)  
) MAGISTRATE  
) JUDGE: COLE  
)  
)  
)

DEFENDANT(S)

JURY TRIAL DEMANDED

At all times Mentioned in this Complaint  
Defendants acted under color of State  
Law. Claiming: Deliberate Indifference,  
For VIOLATING COLOR OF STATE LAW: BY,  
ILLEGAL CAR CHASE AND EXCESSIVE FORCE.....

JURISDICTION AND VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1332 (A) (B). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65 of The Federal Rules of Civil Procedure.

2 of 7

2. The Northern district of Chicago is an appropriate Venue under 28 U.S.C. Section 1391 (B) (2) because it is where the events giving rise to this claim occurred.

### EXCESSIVE FORCE - ILLEGAL CAR CHASE

#### FACTS

3. on the date of 2/10/2008 I, Bruce Giles and : MY beloved Cousin, Oscar Salgado and a friend of Mine name Julio Lopez were on our way home coming from a friend's house. We were proceeding down Wood Street toward 43rd Street with no problems what so ever, until we made a stop at 43rd Street. We had our signal light going to the left toward s Damen Street.

4. We made the left turn after we saw a car that looked like what could have been a light brownish or beige 4 door Chevy. I'm not positively sure of the color because it was dark outside. After the 4 door car passed then we made sure no more cars were coming before we made a left turn going West toward Damen Street.

5. Suddenly we noticed the 4 door car make a fast U-turn and started coming behind us at a very high rate of speed. We thought that they might have been trying to do us harm based off prior bad experiences. It was late at night and we decided to take off for our own safety because we felt our lives could have been in danger.

6. Due to this vicious ILLEGAL CAR CHASE by the unknown, unidentifiable party, we were in fear for our lives in the beginning of the Pursuit at 43rd and Wood Street. Due to this illegal car chase by the unmarked car, who violated knowingly its own procedures, by engaging in a Pursuit with disregard s to risk of serious harm or death and/or injury to officers, persons.....

3 of 7

7. The Illegal car chase caused myself, Bruce Giles, Serious injuries that could have taken My life. And it was the cause of a Serious fatal Accident, that could have been Prevented if they hadn't Violated the Chicago Police Department Pursuit, Guide lines and Procedures established for Safety and Security of Person(s), Public, Police Department Member(s). And could of also been Prevented by following Guide lines, but knowingly choose to Illegally chase us in an unMarked car with totally disregard(s) for human life .....
8. After the car accident the Police showed high levels of aggressiveness and brutality by handcuffing Me while knowing that I was Seriously hurt and in need to immediate Medical care which crosses the threshold of cruel and unusual Punishment and show a clear action of deliberate Indifference. MY Spinal cord felt like it exploded when officer threw me with extreme force to the ground and with extreme force put his knee with all of his weight onto My back.
9. All of this was done without asking if I was hurt which was apparent by simply viewing the Seriousness of the accident Site. See Exhibit(A) I asked for medical attention and I stated out loud that I was in Pain and Seriously injured, and kept Complaining about Pain but it fell on deaf ears.
10. At Mount Sinai Hospital I was diagnosed with Sustaining Very Serious injuries by Doctors. MY Spinal cord at C-7 Spinous Process was fractured. I suffered a right Shoulder Contusion(s) injury to the back of MY head and knees and an open deep wound to my left leg that felt like MY leg was about to be amputated.

4 of 7

11. I never resisted or gave a fight on which the records will show. I also had an open wound on the back of my head that was obvious and showed that I was hurt but all I could hear was, "Shut up Wet bag!", along with other discriminatory and disrespectful remarks.

12. They also harassed me by asking me, "Where's your legal resident papers and drugs you wet(bag) or I'm going to ship your ass back to Mexico?" I kept insisting for help because I was in excruciating pain and very cold .....

13. I felt like my hands were going to fall off! Because it was extremely cold with no help! I kept asking the officers could you please help us and send an ambulance and get me off this cold concrete for God sake, instead started to slam my head on the cold concrete. I am an American citizen born and raised in Chicago! Please stop! <sup>he</sup> refuse to stop, then started pressing my face to the very cold concrete. I felt like I was going to die, from the pain, and coldness. All the officer kept, insisting on retrieving some drugs saying "I will plant something on you all instead of helping you!" officer exercised Deliberate Indifference by using Excessive FORCE, especially at hand where I was seriously injured which hospital record(s) will reflect my argument(s) .....

42 U.S.C. § 1983 ILLEGAL CHASE

14. The Plaintiff states Detective Johnson Edward acted against Department Guidelines and Procedure(s) in pursuing the vehicle. CHICAGO POLICE DEPARTMENT RULE G.O. 97-03-02, I.I.A.3, Police Department officers operating unmarked Department vehicle will be permitted to engage in a motor pursuit only when the fleeing motor vehicle or its occupants represent an immediate and direct threat to life .....

5 of 7

15. The detective who gave ILLEGAL CAR CHASE acted outside of Police Department Policies which amounted and Detectives exercised deliberate Indifference, by causing the injuries Mr. Bruce Giles suffered due to their Gross Negligence!

16. There was no Probable cause to engage in a Pursuit Especially at the case at hand when Detective(s) violated Chicago Police Department, Motor Vehicle Pursuit(s) Procedures, Nor was there an arrest Warrant nor Search Warrant issued by a neutral and detached Magistrate Judge, the 911 dispatch report will show that the detective(s) failed to follow the Procedures Which are Governed under Rule 97-03-02 - 1-11-A-3 Police Department officer(s) operating unmarked Department Vehicles..

17. For Purposes of this order, the use of Portable oscillating or Strobe roof light(s) does NOT change the designation of an unmarked Vehicle to that of a Marked Vehicle .....

- 18. only uniformed officers in marked Police Vehicles are authorized to charge Persons with Violations of 625 ILCS 5/11-204 "Fleeing or attempting to elude a Police officer," and/or 625 ILCS 5/11-204.1 "Aggravated fleeing or attempting to elude a Police officer"..... Because detectives are not supposed to engage in a motor vehicle Pursuit, especially when there was no immediate and direct threat to life.....

19. Motor Vehicle Pursuits were established for the safety of Person(s) officer(s) etc. We can not over look or cover up for detective(s) action(s) by refusing to follow Pursuit Procedures, which ended up in serious injuries to Mr. Giles, Mr. Lopez, and caused the life of my beloved Cousin.....

6 of 7

42 U.S.C. § 1985 (2) (3) 1986

20. Due to the Police and detectives failure to follow Policies, Custom, and Procedures the Police helped assist the detectives in filing a Police report and Summary Complaint, Police narrative, Which doesn't reflect the incident of the unmarked detectives car causing the Serious injuries Mr. Giles received due to detectives violating Chicago Police Department Pursuit Procedures and Guidelines, could of also caused Plaintiff Giles his life..... Detectives knowingly and intentionally refuse or ignored to follow Motor Vehicle Pursuit Procedure(s) and took the law in there own hand(s) and must be accountable for violating Pursuit Guidelines and Procedures, Who knew they were (Not) Permitted to engage in a Pursuit when they were not in a Marked car.....

21. Detectives must take responsibilities for there actions by engaging in an Illegal car chase! Detectives disobeyed traffic Police Procedure(s) were established for good reason(s) Serious matter(s) and "Prevent Potential" for death/or Serious injury to officers, Persons being Pursued and/or innocent Persons, Property damage. Which in this case Plaintiff suffer injury(s) Due to this vicious Illegal car chase that also caused the life of my best friend and cousin which is so wrong and irreparable Physical and Psychological damage.....

22. The Chicago Police had knowledge that detective(s) illegally Chased Plaintiff and cousin and friend to have crashed the vehicle by illegally chasing. Plaintiff never violated a traffic Violation even if so Detective(s) are not Permitted to engage in a Pursuit for a traffic Violation when not in a marked car...

7 of 7

23. The Detectives wrote up a false report was a conspiracy and a code of silence to cover up for their action. Detective(s) admitted to engage in a Pursuit which was against Chicago Police Department Pursuit Procedures and led to the Grand Jury coming back with charging of the Plaintiff with Aggravated and Reckless Homicide of his beloved cousin. To cover up for their illegal action that took place with the illegal car chase.....

24. Before the cover up Plaintiff was given an (I Bond) and a charge fatal Accident, the conspiracy to stop detectives from Plaintiff Giles, from being charged with Aggravated Reckless Homicide when investigating officer(s) had the power to stop the cover up. The reason for the code of silence and cover up is because officers and the Police Department was going to be sued for ILLEGAL CAR CHASE AND EXCESSIVE FORCE!

- A. Plaintiff is seeking the following relief, jointly and severally: liable for damages to Plaintiff. A declaration that Chicago Police Department and officials violated Department Motor Vehicle Pursuit Procedures and Guidelines, and also violated 14th Amendment of the U.S. Constitution by using excessive force. Violated Plaintiff due process and equal protection of the law.
- B. Compensatory damages in an amount to be determined at trial arising from Police officer(s) wrongful conduct;
- C. Costs, expenses, and reasonable attorney fee pursuant to 42 USC. § 1988
- E. Hospital bills for injuries caused to Plaintiff.
- D. Such other relief as this Court deems necessary and proper.

Date: MAY 24, 2010

Respectfully Submitted,  
Bruce Giles Plaintiff  
Bruce Giles







United States District Court for  
The Northern District of Illinois  
Eastern Division

Bruce Giles  
Plaintiff

vs.

Case No. 09CV3242  
JUDGE: COLE

"City of Chicago et al.,"  
Defendant(s)

Certificate of Service

Now Comes Bruce Giles, and submit a true and correct  
copy of the following document at 219 South Dearborn  
street, 20<sup>th</sup> Floor, Chicago, Illinois 60604.

Respectfully Submitted,  
Bruce Giles

Date:  
May 24, 2010

United States District Court of  
The Northern District of Illinois  
Eastern Division

Bruce Giles  
Plaintiff

Vs.

Case No. 09CV3242  
JUDGE: COLE

"City of Chicago et al.,"  
Defendant(s)

Notice of Filing

Now Comes Plaintiff, Bruce Giles, has Cause on the date of 5-24-10 to file within the U.S. District Court for the Northern district of Illinois, Eastern division (7) Copies plus the original Complaint of his third amended Complaint with Exhibit A - Original Photo.

- 1) 1 original third amended Complaint
- 2) 7 Copies of the third amended Complaint
- 3) 1 Photo of Exhibit A

Date:  
May 24, 2010

Respectfully Submitted,  
Bruce Giles